

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURG

Tommy G. Thompson, Governor George E. Meyer, Secretary Ronald W. Kazmierczak, Regional Director Northeast Region Headquarters 1125 N. Military Ave., P.O. Box 10448 Green Bay, Wisconsin 54307-0448 Telephone 920-492-5800 FAX 920-492-5913 TDD 920-492-5912

June 1, 2000

William G. Lewis PO Box 22190 Green Bay, WI 54305

Subject:

Case Closure with a Groundwater Use Restriction for Spur/Q-Mart #1973,

1015 Winneconne Ave., Neenah, WI WDNR LUST Case #03-71-000719

Dear Mr. Lewis:

On December 14, 1990, the Wisconsin Department of Natural Resources provided a notice to you that the degree and extent of the petroleum contamination at the above named site was required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On May 19, 1999, the above named site was reviewed by the Remediation and Redevelopment's Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code.

The Department has received a copy of the completed groundwater use restriction for the above referenced site and proof of filing this record with the Winnebago County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above named site has been remediated to the extent practicable under current site conditions. Therefore, conditional closure of this site has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

Groundwater Quality Exemption

The most recent groundwater monitoring data at this site indicates an exceedance of the NR 140 preventive action limit (PAL) for 1,2 dichlorethane (1,2 DCA) but compliance with the NR 140 enforcement standard. The Department may grant an exemption pursuant to NR 140.28(2), Wis. Adm. Code, if the following criteria are met:

a) The anticipated increase in the concentration of 1,2 DCA will be minimized to the extent technically and economically feasible.



- b) Compliance with the PAL is either not technically or economically feasible.
- c) The enforcement standard for 1,2 DCA will not be attained or exceeded at the point of standards application.
- d) Any increase in the concentration of 1,2 DCA above background does not present a threat to public health or welfare.

The Department believes that the above criteria have been or will be met because of the remediation which has occurred at this site. Therefore, pursuant to NR 140.28, an exemption for the 1,2 DCA PAL is granted to monitoring well 11 (MW-11). This letter serves as your exemption.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department appreciates the actions you have undertaken to restore the environment at this site. If you have questions regarding this letter please do not hesitate to contact me in Oshkosh at (920) 303-5424.

Sincerely,

Pamela J. Pillar

Hydrogeologist/

Bureau for Remediation and Redevelopment

Enclosure

cc: Mark Drews, DRPA, Inc., W134 N4981 Campbell Drive, Menomenee Falls, WI 53051 John Wilke, Public Works Department, 211 Walnut Street, Neenah, WI 54957-0426 Jennifer Dietl, WDOT – District 3, PO Box 28080, 944 Vanderperren Way, Green Bay, WI 54304-0080

STATE BAR OF WISCONSIN FORM 1 - 1998 WARRANTY DEED Document Numbe This Deed, made between Murphy Oil USA, Inc., a Delaware Corporation Grantor, for a valuable consideration, conveys to Grantee the following described real estate in _____ Winnebago ______ County, State of Wisconsin (the "Property"): Recording Area Name and Return Address william G. Lewis P.O. Box 22190 Green Bay WI 54305 804-0580-00-1
Parcel Identification Number (PIN) See reverse for legal description. This <u>is not</u> homestead property. (is) (is not) For a period of Twenty (20) years following the date of this conveyance, the Property shall not be used for the sale and/or storage of any petroleum products. Together with all appurtenant rights, title and interests. Grantor warrants that the title to the Property is good, Indefeasible in fee simple and free and clear of encumbrances except and subject to easements, restrictions and covenants of record. day of ______ August ____ 1999 ___ MURPHY OIL USA, INC. AUTHENTICATION ACKNOWLEDGMENT Signature(s) ______ ARKANJAS State of Wisconsin, ... County. authenticated this _____ day of __ Personally came before me this ___ Auquet 1999 the above named Charles Ganus and John A. Moore TITLE: MEMBER STATE BAR OF WISCONSIN me known to be the person who executed the foregoing authorized by §706.06, Wis. Stats.) instrument and acknowled the work THIS INSTRUMENT WAS DRAFTED BY Attorney Steven P. Krause Notary Public, State

* Names of persons signing in any capacity must be typed or printed below their signature.

(Signatures may be authenticated or acknowledged. Both are not

STATE BAR OF WISCONSIN FORM No. 1 - 1998

My commission is

state expiration date:

PARCEL I:
That part of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 and of the
West 1/2 of the Northwest 1/4 of the Southwest 1/4, all in Section Twenty-eight
West 1/2 of the Northwest 1/4 of the Southwest 1/4, all in Section Twenty-eight
(28), Township Twenty (20) North, Range Seventeen (17) East, in the Fourth Ward,
City of Neenah, County of Winnebago and State of Wisconsin, described as follows,
City of Neenah, County of Winnebago and State of Wisconsin, described as follows,
City of Neenah, County of Winnebago and State of Wisconsin, described as follows,
City of Neenah, County of Winnebago and State of Wisconsin, described as follows,
City of Neenah, County of Winnebago and State of Wisconsin, beat viz:
Commencing at the intersection of the center line of South Lake Street
(formerly State Trunk Highway No. 125) with the center line of Western Avenue, Street; along the Southwesterly along the Southwesterly line of said South Lake
Street; thence Southwesterly along the Southeasterly line of said South Lake Street, 132.6 feet; thence South 43°21'
Southeasterly line of said South Lake Street, 132.6 feet; thence South 43°21'
Southeasterly line of said South Lake Street, 132.6 feet; thence Westerly along
Winneconne Avenue (formerly State Trunk Highway No. 114); thence Westerly along
Winneconne Avenue (formerly State Trunk Highway No. 114); thence Westerly along
Winneconne Avenue (formerly State Trunk Highway No. 114); thence Westerly along
Winneconne Avenue (formerly State Trunk Highway No. 124' East, 97.7 feet to the place of
the place of beginning; thence North 1°24' East, 97.7 feet to the Place of
beginning; less and excepting premises conveyed to the State of Wisconsin,
Department of Transportation by deed recorded as Document No. 912165.

PARCEL II: Easement by and between Gardner Baking Company and Murphy oil Corporation, dated September 9, 1975 and recorded on October 27, 1975, as Document No. 469477 for Ingress and Egress purposes.

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In re: That part of the West ½ of the South West ¼ of the North West ¼ and of the West ½ of the North West ¼ of the South West ¼, all in Section 28, Township 20 North, Range 17 East, in the Fourth Ward, City of Neenah, County of Winnebago and State of Wisconsin, described as follows, viz: Commencing at the intersection of the center line of South Lake Street (formerly State Trunk Highway No. 125) with the center line of Western Avenue; thence Southwesterly along the center line of said South Lake Street, 826 feet; thence South 30 degrees, 40 feet East, 33.83 feet to the Southeasterly line of said South lake Street; thennce Southwesterly along the Southeasterly line said South Lake Street, 380.6 feet to the place of beginning; thence Northeasterly along the Southeasterly line of said South Lake Street, 132.6 feet: thence South 43 degrees, 21 feet East East 79.1 feet; thence South 1 degree 10 feet East, 118.5 feet to the Northerly line of Winneconne Avenue (formerly State Highway Trunk No. 114); thence Westerly along the Northerly line of said Winneconne Avenue, to a point that is South 1 degree 24 feet West of the place of beginning; thence North 1 degree 24 feet East, 97.7 feet to the place of beginning.

1087406

REGISTER'S OFFICE WINNEBAGO COUNTY, WI RECORDED ON

03-01-2000 01:01 PM

SUSAN WINNINGHOFF REGISTER OF DEEDS

RECORDING FEE TRANSFER FEE # OF PAGES

14.00

Recording Area

Name and Return Address: William G. Lewis PO Box 22190 Green Bay, WI 54305

Parcel Identification Number (PIN)

STATE OF WISCONSIN

ss

COUNTY OF WINNEBAGO

WHEREAS, William G. Lewis is the owner of the above-described property.

WHEREAS, one or more Petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following locations and as identified on Attachment 1, attached to and hereby made apart of this groundwater use restriction: benzene concentration of 235 micrograms per liter (µg/L) at monitoring well-8 (MW-8) and MTBE concentration of 87.7 µg/L at the Sump.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this day of Feb., 1900.
Signature: M
Printed Name:William G. Lewis
Subscribed and sworn to before me this 4/8 day of 1000

Notary Public, State of Wisco

My commission

This document was drafted by the Wisconsin Department of Natural Resources.

Petroleum Contaminated Groundwater remains near the former location of groundwater monitoring well MW-8 and the former Sump. ₽ (2) 10 (2) 10 (2) € 0 1 C ŝ 8-AN (% SOLITA LAK STREET PRODUCT DISPONSE WINNECONNE AVENUE STORE Ø#-10 01-10 (19°6£.) چ CONTOURS CALCULATED FROM ONLY THOSE ELEVATIONS RECORDED AT THE THE AND LOCATIONS ON THIS MAD.

NOTE. APPROXIMATE BUILDING AND UTILITY LOCATIONS. CALL LOCAL UTILITY OPERATOR TO YESTER UTILITIES BEFORE STARTING ART SURSURFACE WORK. FIGURE 4
WATER TABLE CONTOUR
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SPUR SITE #1973 1015 WINNECONNE AVE NEENAH, WISCONSIN

PROJECT NUMBER °ç

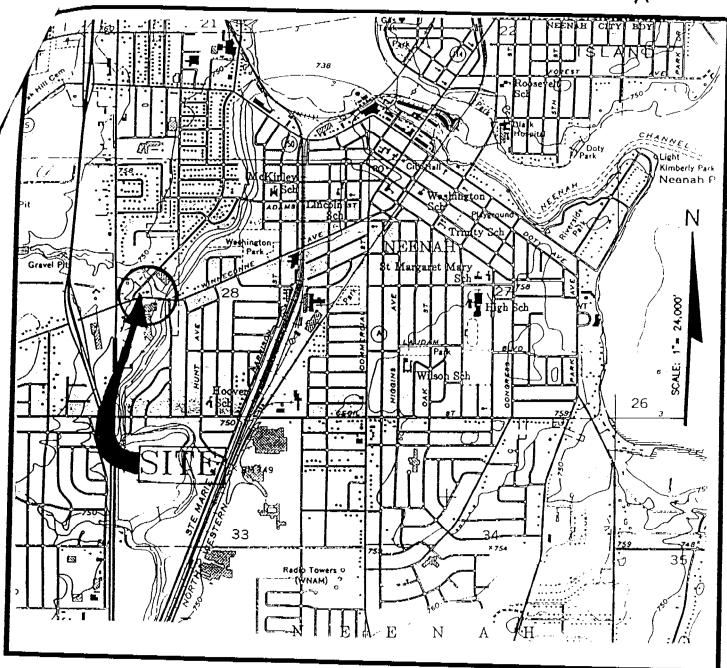




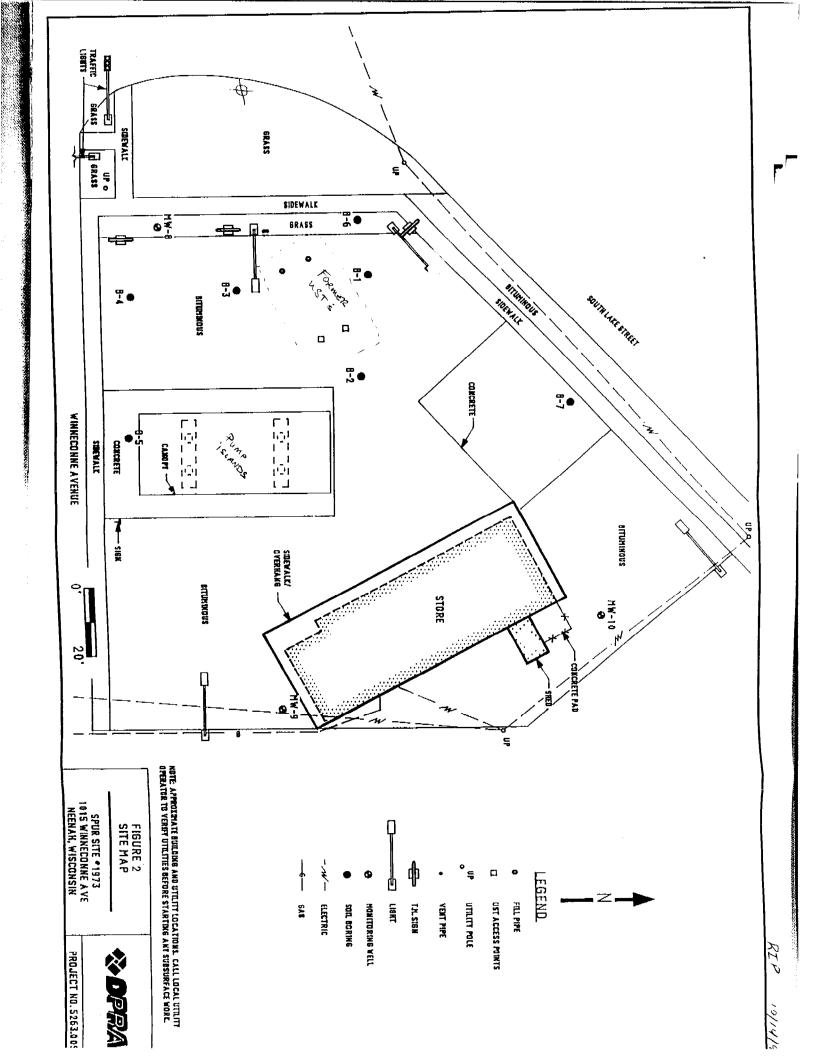
FIGURE 1 SITE LOCATION MAP

MURPHY OIL USA, INC. 1015 WINNECONNE AVE NEENAH, WI

ENGINEERS REVIEWED:

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Þ	SCALE: 1"=	24.000
الكت	DRAWN : S	Р

DATE: 10/2/92 303 SOUTH BLUEMOUND DRIVE APPLETON, WI 54914 PHONE: (414) 739-7814 FAX: (414) 739-7765

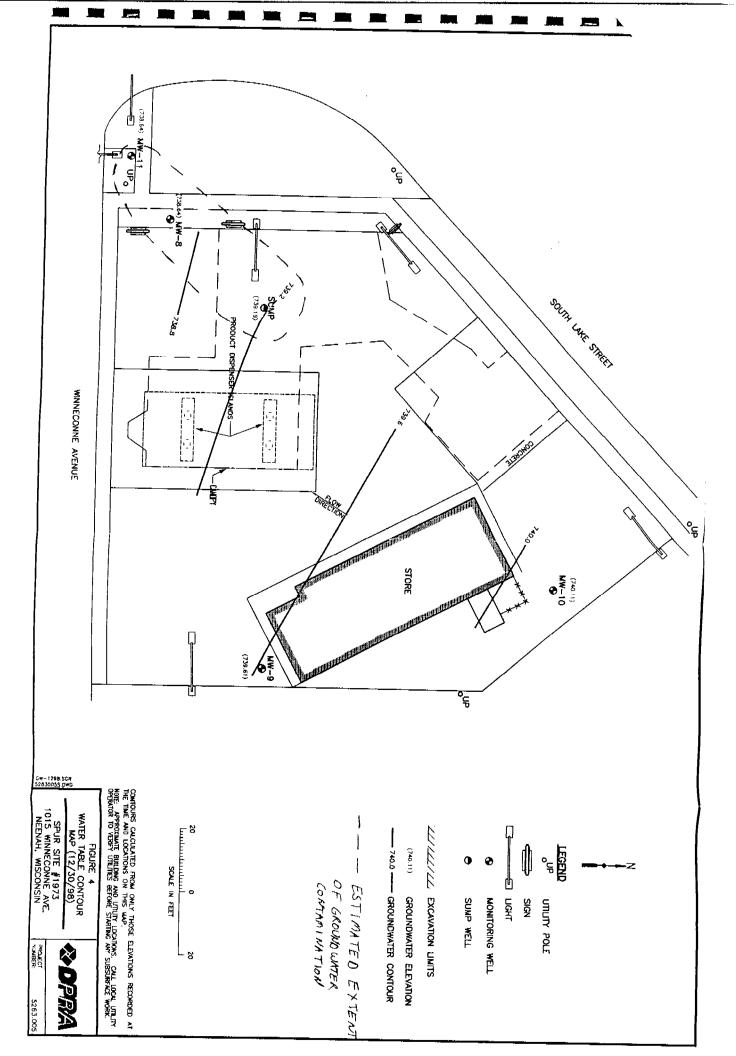


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NOTE, APPROXIME BUILDING HOUSE LOCATIONS. CALL LOCAL UTILITY OPERATOR TO MERTY UTILITIES BEFORE STAFFING MY SUBSTRANCE WORK. FIGURE 4
WATER TABLE CONTOUR
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### Table 5

# AQUEOUS ANALYTICAL RESULTS Spur #1973 1015 Winneconne Avenue Neenah, Wisconsin DPRA #5263.005

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### Table 5

## AQUEOUS ANALYTICAL RESULTS (continued)

Spur Site No. 1973
1015 Winneconne Avenue
Neenah, Wisconsin
DPRA #5263.005

W - 4			Sample MW-8
08-10-91 12-05-91 04-02-92 07-07-92 10-13-92 10-13-93 02-03-93	03/13/98 03/13/98 ⁽¹¹ 09/16/98 09/16/98 ⁽¹¹ 12/30/98	12/04/96 12/04/96 ^[1] 01/07/97 02/21/97 03/04/97 04/22/97 05/06/97 05/06/97 08/23/97 08/26/97 09/16/97 10/16/97	Date Sampled
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	5		1,2 Dichtoro- ethane µg/l
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### Table 5

## AQUEOUS ANALYTICAL RESULTS

(continued)

Spur Site No. 1973 1015 Winneconne Avenue Neenah, Wisconsin DPRA #5263.005

	MW-10																								9-WW	Sample	
12-05-91	08-10-91	09/16/98	03/13/98	09/16/97	03/04/97	12/04/96	09/04/96	06/04/96	03/13/96 ⁽¹⁾	03/13/96	12/21/95	09/06/95	06-15-95	06-15-95	03-16-95	12-13-94	09-14-94	06-22-94	06-22-94	03-29-94	01-11-94	10-18-93	08-05-93	08-05-93	04-27-93	Sampled	7
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<i>Z</i> ()	N D	N	N	Š	Z D	ND	ND	S S	S	ND	ND	N D	N O	N D	N D	ND	ND O	N D	N	N D	N D	ND	N O	N O		l	Joluene
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<i>7</i>	Z)	20	Z	Z D	S	ND ND	<u>Z</u> O	20	5	<u>N</u>	<u>N</u>	ND	Z	N.	ND	Z	6	20	8	N	ND	ND	S	S	8	1/6″	1,2,4- Iti- methyl- benzene
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### Table 5

## AQUEOUS ANALYTICAL RESULTS (confinued)

Spur Site No. 1973 1015 Winneconne Avenue Neenah, Wisconsin DPRA #5263.005

																									01-MW	Sample	
03/13/98	10/16/97	09/16/97	03/04/97	12/04/96	09/04/96	06/04/96	03/13/96	12/21/95	09/06/95	06-15-95	03-16-95	12-13-94	12-13-94	09-14-94	06-22-94	03-29-94	01-11-94	01-11-94	10-18-93	08-05-93	04-27-93	02-03-93	₹0-13-92	07-07-92	04-02-92	Sampled	Date
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### Table 5

## AQUEOUS ANALYTICAL RESULTS (continued)

Spur Site No. 1973

1015 Winneconne Avenue Neenah, Wisconsin DPRA #5263.005

1,2,4-

1,3,5-

Tr'o Blank	Sump wei	Sample MW-:
10-:3-92 02-03-93 04-27-93 08-05-93	12-13-94 03-16-95 06-15-95 09-06/95 09/06/95 09/06/95 09/06/96 03/13/96 ¹³ 03/13/96 ¹³ 03/04/96 03/04/96 03/04/97 03/04/97 03/04/97 03/04/97 03/04/97 03/04/97 03/04/97	Date Sampled
8888	0.728 NO	Benzene µg/l
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Z Z Z Z	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	Toluene µg/l
Z Z Z Z O O O O	37.06 37.06 37.06 37.06 37.06 37.06	Total Xylenes µg/l
Z Z Z Z	2.47 2.40 2.40 ND ND N	<b>ΜΊΒΕ</b> μ <b>9/</b> 1
	66.22.0666668888888888888888888888888888	<del>-</del>
Z Z Z Z O O O	26666666666666666666666666666666666666	Tri- methyl- benzene #g/I
1111	2.55 NO 2.02 NO 2.02	1,2 Dichtoro- ethane µg/l
<del>5</del>	8.02C	GRO
		Lead

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